

# TOWN OF WESTFIELD

## COMMUNITY DEVELOPMENT DEPARTMENT

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WESTFIELD-WASHINGTON TOWNSHIP  
ADVISORY PLAN COMMISSION  
BOARD OF ZONING APPEALS  
ZONING ENFORCEMENT  
BUILDING PERMITS

<b>Meeting Date:</b>	September 17, 2007
<b>Docket Number:</b>	0709-VS-028
<b>Appellant:</b>	Jim Anderson on Behalf of Keltie Domina
<b>Property Address:</b>	110 South Union St.
<b>Variance of Standard Request:</b>	<i>WC 16.08.010, H1</i> Projecting sign area

### EXHIBITS

1. Staff Report	09/17/2007
2. Aerial Location Map	09/17/2007
3. Property Card	09/06/2007
4. Letter of Grant, 0708-VS-025	08/29/2007
5. Appellant's Application and Plans	08/21/2007

### RELATED CASES

0708-VS-025 – Projecting sign distance into right-of-way variance	08/20/2007
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### VARIANCE OF STANDARD REQUEST

This variance of standard request is to increase the maximum sign area of a projecting sign from 16 square feet per face to 24 square feet per face (*WC 16.08.010, H1*). The subject property is located in the Local Business-Historical District (LB-H) in Downtown Westfield.

### PROPERTY INFORMATION

The subject property is approximately 0.09 acres in size, located in Downtown Westfield. Currently, the building is under renovation for use as a restaurant and bar. The property is zoned LB-H. Renovations have not required Development Plan review. No variances related to the renovation are necessary from the underlying LB-H zoning district for Development Plan review.

### PROPERTY HISTORY

In August 2007, the Board of Zoning Appeals approved a variance of standards request to allow a projecting sign to encroach further than the permitted 18 inches into the right-of-way (0708-VS-025) (see Exhibit 4). The variance allows the projecting sign to extend a total of seven feet (7') into the right-of-way.

There are no additional variances, special exceptions, development plans, subdivision plats, or rezoning cases on record for the subject property.

## ANALYSIS

The submitted application indicates plans to replace the copy of the existing Kever's Hardware sign. The dimensions of the two-faced sign are approximately four feet (4') by six feet (6'), totaling 24 square feet. The sign standards permit projecting signs in downtown to be no larger than 16 square feet per face (WC 16.08.010, H1). The proposed sign is approximately one-half times larger than the permitted sign area for a projecting sign downtown.

## FINDINGS

*No variance of standard shall be granted unless the BZA finds all of the following to be true:*

- a. That the approval of such variance of development standard will not be injurious to the public health, safety, morals, and general welfare of the community:**

**Findings:** The conditions of approval for associated case 0708-VS-025 require the replacement of all structural supports and electrical wiring; therefore, it is unlikely that the approval of the requested variance will be injurious to the public health and safety of the community.

On December 8, 2003, the Town of Westfield adopted a new set of sign standards (Ord. 03-41), and amended them on May 10, 2004 (Ord. 04-05). The standards adopted in May 2004 are the standards that currently govern signage in Westfield-Washington Township. Downtown signage was largely unaddressed with any specificity in the 2003-2004 rewrite of the Sign Standards. However, the standards expressly address projecting signage in downtown and limit it to 16 square feet per face. To deviate from the codified preference of the community from approximately four (4) years ago could jeopardize the community's goals for downtown signage.

- b. That the use and value of the area adjacent to the property included in the variance of development standard will not be affected in a substantially adverse manner:**

**Findings:** Providing relief of the 16 square-foot standard will not prevent the use of adjacent property. However, if the requested variance is approved, adjacent property owners would experience less opportunity than the subject property to market their businesses through signage. Relief from the projecting sign square footage allotment would create an inconsistent and unequal signage profile for the neighboring downtown businesses.

Additionally, variances run with the property not with the property owner or business owner. The Town is currently reviewing plans from an outside consultant that have the end goal of increasing property values and improving the aesthetic appeal of the

downtown area. Providing relief to the requested ordinance standard will allow the size of a current nonconforming sign to remain indefinitely while the Town is on the cusp of adopting changes that have the intent of improving the downtown assessed value and character.

**c. That the strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the subject property:**

**Findings:** Strict adherence to the zoning ordinance will not result in a practical difficulty or prevent use of the subject property. The ordinance does not prevent signage of the property. It limits projecting signs to 16 square feet per face. The variance granted in August 2007 (0708-VS-025) limits the distance that a sign can project into the right-of-way to seven feet (7'). Strict adherence to the zoning ordinance and to the variance limitations would allow a 16 square-foot sign that can project no further than seven feet (7') into the right-of-way. A projecting sign could be configured and mounted in several different ways and still meet the parameters established by the ordinance and variance 0708-VS-025.

**NOTE: If the Board does not determine ALL findings of fact in favor of the appellant, then it may not legally approve the variance request.**

**RECOMMENDED CONDITIONS**

Should the Board approve this variance of standard request, the following condition would be appropriate:

1. That no additional signage, beyond what is currently allowed by the sign standards, be permitted.

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KMT



## Aerial Location Map

110 South Union Street

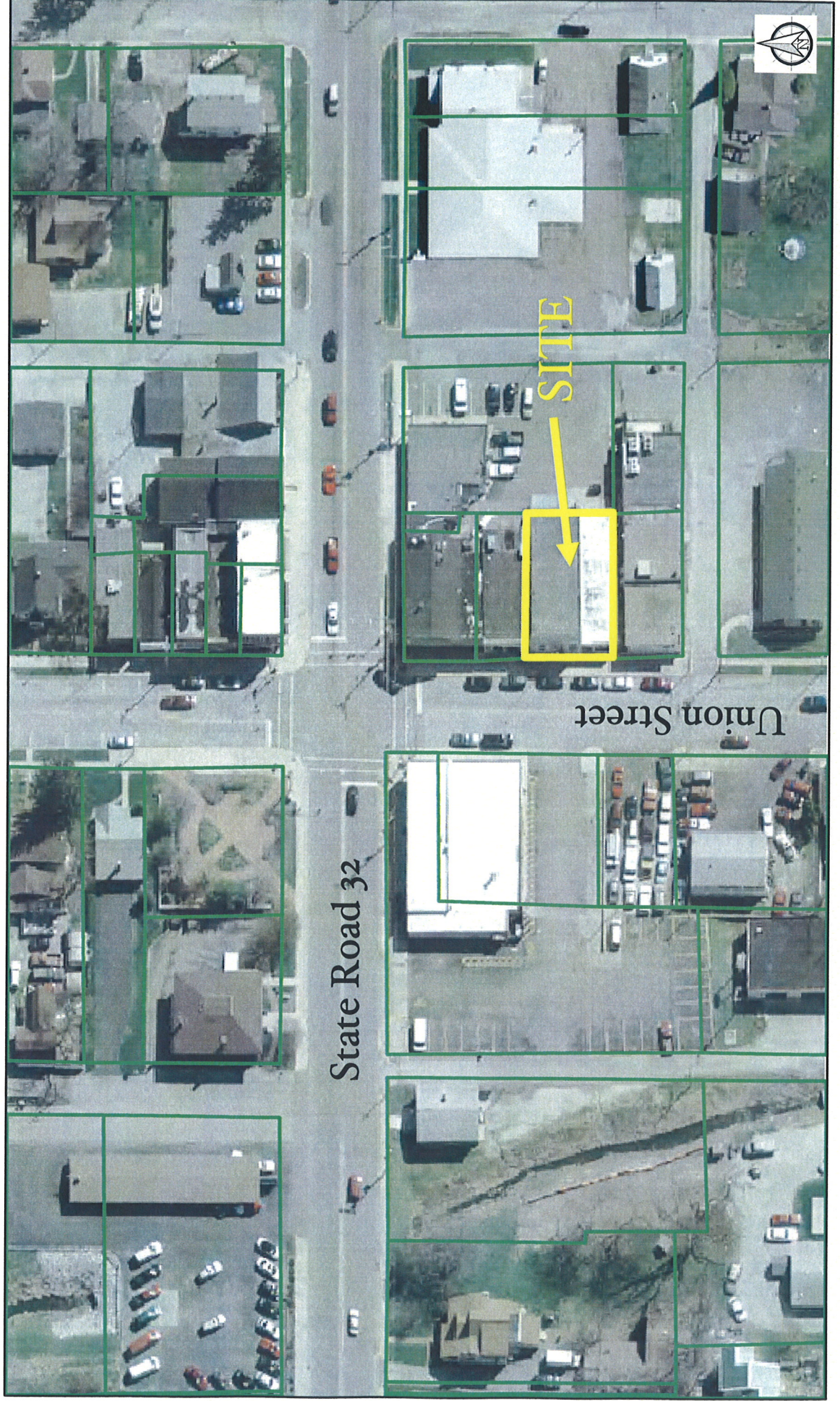




EXHIBIT 3

**co.HAMILTON.in.us**

Official government site of Hamilton County, Indiana

Online Se

**Property Card Report****1. report type**

Reset

**2. property search**

new search

**3. view reports**

general parcel info.

spring tax statement

tax payments

property card

fall tax statement

**Disclaimer:**

This program allows you to view and print certain public records. **Each report reflects information as of a specific date;** so the information different reports may not match. All information has been derived from public records that are constantly undergoing change and is not warranted for accuracy. It may not reflect the current information pertaining to the property of interest.

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**Summary Information - Parcel Number: 09-10-06-01-01-033.001****Property Data**

Parcel Location	110 S UNION STREET, WESTFIELD
Taxing Unit	Westfield
Legal Description	WESTFIELD ORIGINAL 47.5 X 83.0
Section/Township/Range	S06 T18 R04
Subdivision Name	WESTFIELD ORIGINAL
Lot and Block	Lot P22 Block
Acres	0
Effective Frontage	48
Effective Depth	83
Property Class	Small Det. Retail (-10000)

**Exterior Features and Out Buildings**

1 General Retail, 1 Industrial Canopy, 1 Loading Dock,

**Property Owner as of April 30, 2007**

Ballantrae Development LLC

**Most Recent Valuation as of March 1, 2006**

Assessed Value: Land	18700
Assessed Value: Improvements	112000
Total Assessed Value:	130700

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# TOWN OF WESTFIELD

## COMMUNITY DEVELOPMENT DEPARTMENT

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WESTFIELD WASHINGTON TOWNSHIP  
PLAN COMMISSION  
BOARD OF ZONING APPEALS  
ZONING ENFORCEMENT  
BUILDING PERMITS

Cross Referenced to Instrument No. \_\_\_\_\_

August 29, 2007

Mr. James Anderson  
301 South Union Street  
Westfield, IN 46074

Dear Mr. Anderson:

The Westfield-Washington Township Board of Zoning Appeals met on Monday, August 20, 2007 to review:

0708-VS-25 110 South Union Street, *James Anderson* The Appellant is requesting a Variance of Standard from the Westfield-Washington Township Zoning Ordinance (WC 16.08.010, D7), to increase the maximum projection of a wall sign into the public right-of-way from 18 inches to approximately six feet (6').

A public hearing was held and the Board voted 5-0 to approve 0706-SE-01 with the following conditions:

1. Update and replace all electrical wiring and conduit;
2. Update and replace all supports for the sign;
3. Obtain proper encroachment permits from Westfield Public Works.

At this time, please secure any necessary permits from the Westfield Community Development Department. Failure to do so prior to construction may result in enforcement action and/or fines.

Please feel free to contact this office at (317) 896-5577 should you have any questions.

Sincerely,



Kevin M. Todd, AICP  
Planner I

## TOWN OF WESTFIELD, INDIANA



Petition Number:  
Date of Filing:

0709-VS-028  
08/21/07

**Application for VARIANCE OF DEVELOPMENT STANDARD**  
**Westfield – Washington Township**  
**Board of Zoning Appeals (BZA)**

This application must be completed and filed with the Community Services Department of the Town of Westfield, Indiana in accordance with the meeting schedule.

1. Appellant's Name James J. Anderson  
Address 301 S. Union Street  
Westfield IN 46074  
Telephone Number 317. 867. 2880  
E-Mail Address janderson@theandersoncorporation.com
2. Landowner's Name Ballantrae Development LLC (James Anderson,  
Address 301 S. Union Street managing member)  
Westfield IN 46074  
Telephone Number 317. 867. 2880
3. \*Representative Keltie Doming  
\*Address 102 S. Union Street  
Westfield IN 46074  
\*Telephone Number 317. 867. 3525  
\*Email Address info@kelties.com

\*If the applicant is not presenting a petition, please provide contact information for the party representing the applicant.

4. Common description of property (address, location, etc.)  
110 S. Union Street (East side of Union Street, 3 blocks  
South of Main Street.
5. Legal description of property (list below or attach)  
see legal description below.
6. Complete description of the nature of the development standard variance applied for:  
we 16.08.010 h1 / sign area for  
a projecting sign

LEGAL:

Part of Lot 22, in the Original Plat of the Town of Westfield, as per plat thereof, recorded in Deed Record D, page 121, in the Office of the Recorder of Hamilton County, Indiana, more particularly described as follows: Begin at a point 70.00 feet 9 inches South of the Northwest corner of Lot 22, in the Town of Westfield, run thence South 47.50 feet; thence East 83.00 feet; thence North 47.50 feet; thence West 83.00 feet to the Place of Beginning, including 1/2 of a block wall of a building located on and along the North line of the above description, in Hamilton County, Indiana.

7. **ALL SITE PLANS SHALL BE LEGIBLE AND DRAWN TO SCALE.** Site plans must accompany this application and must depict at a minimum:
- a. Lot(s) shape and dimensions; -47.5' x 83.0'
  - b. Location and dimensions of existing and proposed structures; *See attached aerial photo*
  - c. Location and dimensions of existing and proposed points of ingress and egress; and
  - d. All topographic and natural features and/or other unusual characteristics associated with the property.

8. The Applicant must address the following criteria and establish at the public hearing that each of the following is true in order to obtain a favorable determination from the BZA.

*No variance of development standard shall be granted unless the BZA finds all of the following to be true:*

- a. That the approval of such variance of development standard will not be injurious to the public health, safety, morals, and general welfare of the community:

This sign structure has existed for many years with no injury to the community.  
We are seeking approval to replace the panels to reflect the new tenant.

- b. That the use and value of the area adjacent to the property included in the variance of development standard will not be affected in a substantially adverse manner:

This sign has existed for many years without adverse effect on the use or value of the area adjacent to the property.

- c. That the strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the subject property:

It would be very difficult and dangerous to find Kelties from Highway 32, and it would be very difficult to find the restaurant in some cases on Union Street. See attached photo sheet for examples.




TOWN OF WESTFIELD, INDIANA

The Appellant hereby certifies that the information contained in and accompanying this application is true and correct.

  
Applicant

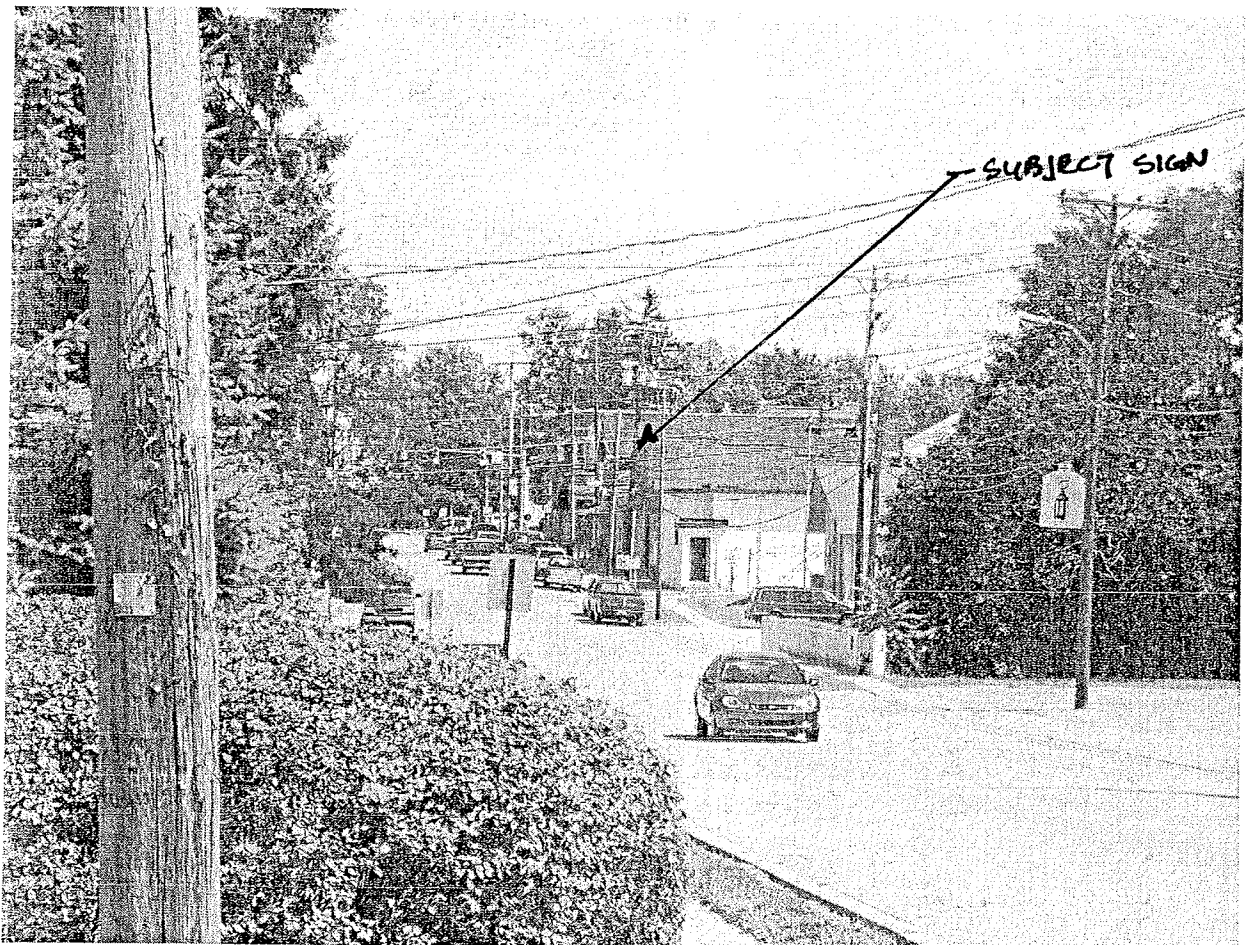
SUBSCRIBED AND SWORN TO ME THIS 21 DAY OF August, 20 07

  
Notary Public

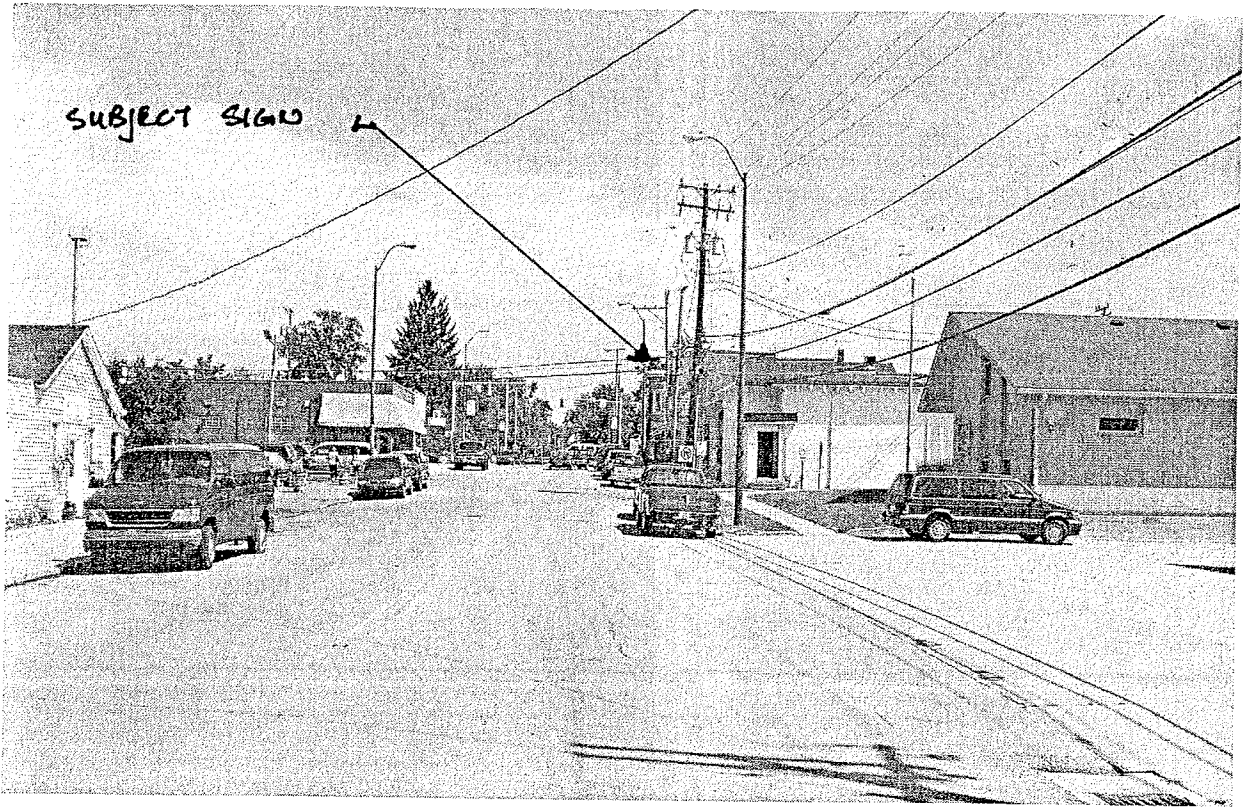
My commission expires: 10.18.09



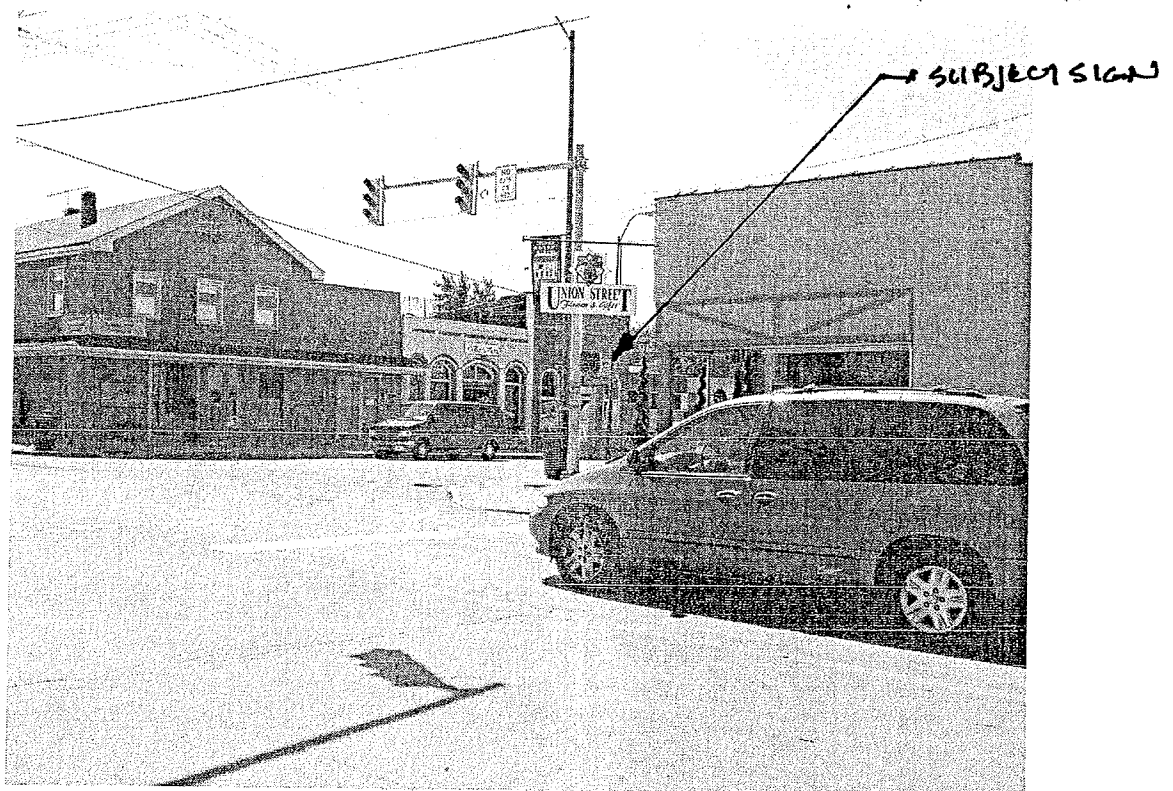
Photo of existing sign and building



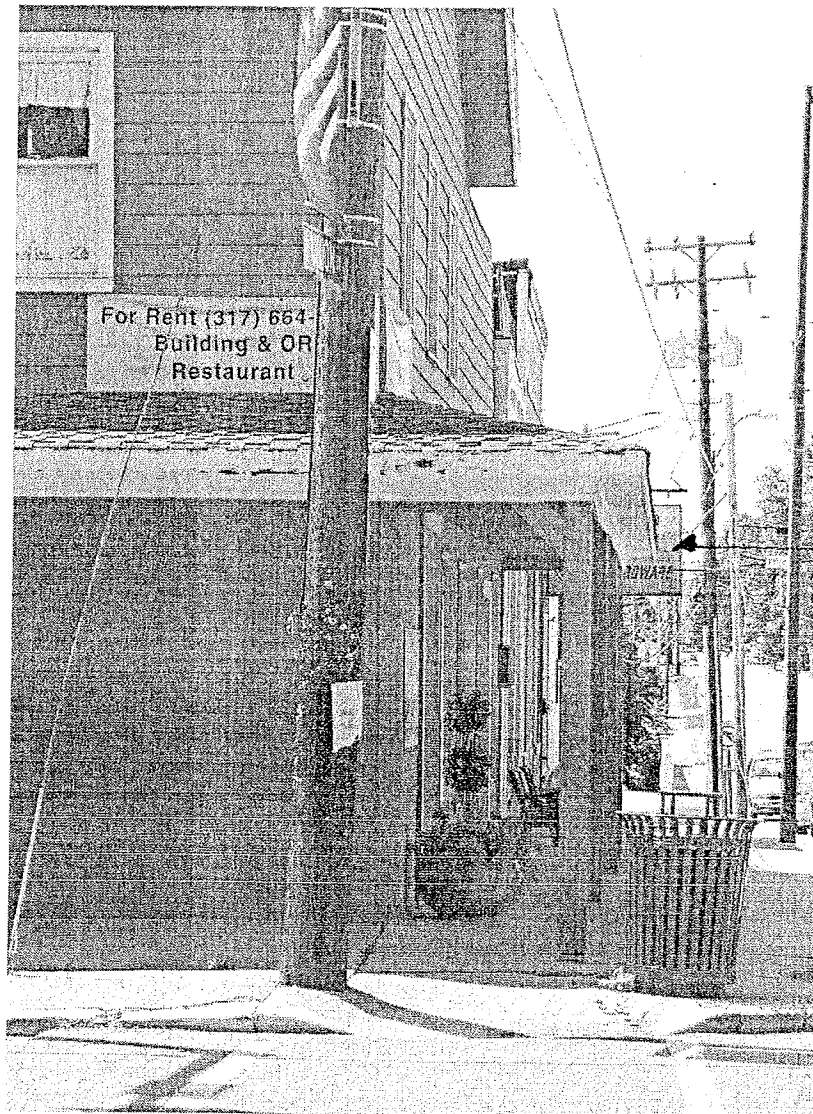
East bound vehicle turning left onto Union Street at Park Avenue would have this view.



North bound on Union Street at Jersey Street, subject property 200' ahead.



East bound vehicle stopped at Union Street light, subject property in background.

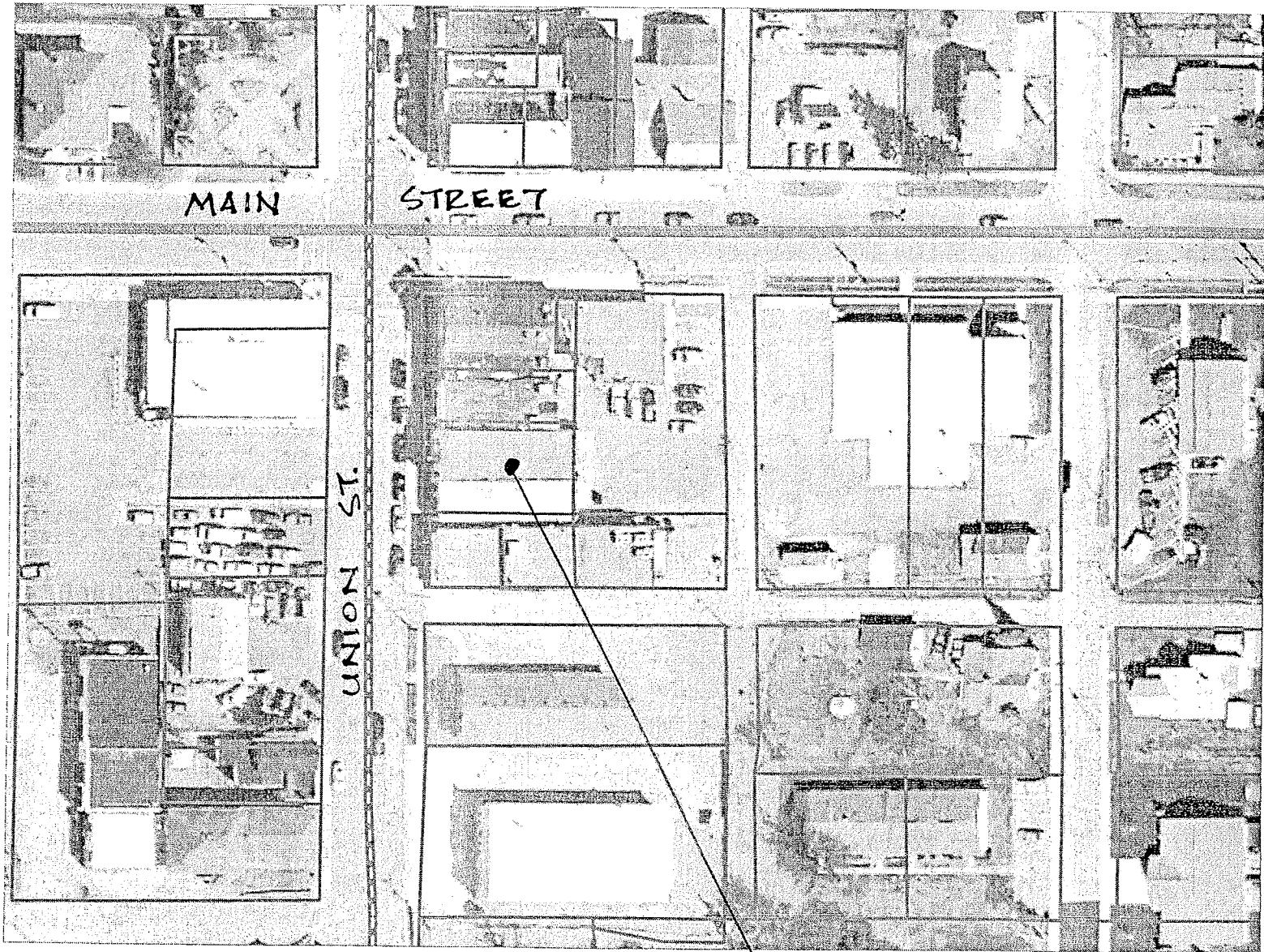


SUBJECT  
SIGN

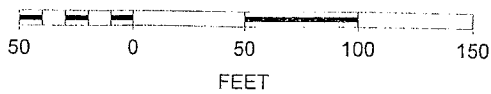
View from northeast corner of US 32—  
18" sign would be totally obstructed by roofline.  
Could be dangerous for people trying to  
Identify Kelties in this high-traffic area.



# Kelties



SCALE 1 : 1,000



SUBJECT PROPERTY

existing "Keweenaw" sign.

brown, to match trim on building

brown

cream background

NOTES:

- replace plastic inserts as shown
- paint frame and bracket
- existing sign 48" x 72"

PROPOSE SIGN CHANGE  
110 S. UNION ST.  
WESTFIELD, W.

building face

